



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNIVERSITAS EDUCATION, LLC,

Judgment Creditor,

-against-

NOVA GROUP, INC., as trustee, sponsor and
fiduciary of THE CHARTER OAK TRUST :
WELFARE BENEFIT PLAN,

Judgment Debtor.
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Case Nos. 11 CV 1590-LTS-HBP and
11-8726-LTS

**PROPOSED ORDER TO SHOW CAUSE AND
TEMPORARY RESTRAINING ORDER**

PLEASE TAKE NOTICE that, upon the declaration of Paula K. Colbath, Esq. (with exhibits), and the accompanying Memorandum of Law filed by Plaintiff/Judgment Creditor Universitas Education, LLC ("Universitas") dated October 11, 2017, and good cause and sufficient cause appearing therefrom:

IT IS HEREBY ORDERED that Defendants show cause before the Hon. Laura Taylor Swain, at the United States Courthouse, 500 Pearl Street, in Courtroom 12D, in the City, County and State of New York, on October 26, 2017, at 2:30 a.m./p.m., as to why an Order should not be issued, pursuant to Fed. R. Civ. P. 69(a)(1) and N.Y.C.P.L.R. § 5240 extending the expiration date of restraining notices served by Universitas on several third-party garnishees, until Universitas' Judgments against Judgment Debtors' Nova Group, Inc., Daniel Carpenter, Grist Mill Trust Welfare Benefit Plan and any trustees and plan sponsors thereof insofar as they hold Grist Mill Trust assets, Grist Mill Capital, LLC, Grist Mill Holdings, LLC,

Carpenter Financial Group, Avon Capital, LLC, Phoenix Capital Management, LLC, and Hanover Trust Company are satisfied in full (collectively, the “Judgment Debtors”);

ORDERED, that the restraining notices served on the third-party garnishees apply to any nominee, predecessor and/or successor trust/entity of any of the Judgment Debtors.

AND IT IS FURTHER:

ORDERED, that pending the determination of Universitas’ application for an extension of the expiration date of said restraining notices, the restraining notices previously served on the following third-party garnishees shall remain in effect: AAA Life Solutions, AARP, AETNA, AIG, Allianz Life Insurance Company of North America, Allstate Life Insurance, American National, American United Life, Amica Life Insurance, Athene Annuity & Life Insurance Company of New York (Amerus/Aviva), Avon Capital Holdings, LLC, CIGNA, Columbia Universal, Columbus Life Insurance Company, Commonwealth Insurance Services, Inc., Connecticut General Life, Consecro, Country Life, Eerie Family Life, Fidelity Security Life, First UNUM, Fort Dearborn Life, Genworth Financial, Guardian Life, Hartford Life Insurance Co., ING (VOYA), Jackson National Life, Kansas City Life, Knights of Columbus, Lafayette Life, Lincoln Benefit Life Insurance Company, Lincoln Heritage, Madison National Life, Midland National, Minnesota Life, Mutual of Omaha, New York Life Insurance Company, Northwestern Mutual, Pacific Life Insurance Company, Penn Insurance and Annuity Co., Primerica, Principal Financial Group, Protective Life, Provident Life & Accident, RBC Insurance, Reassure America, ReliaStar Life Insurance Co. (VOYA), SBLI USA, State Farm, The North American Company for Life and Health Insurance of New York (Wilton Re), TIAA, United Commercial Travelers, United States Life Insurance Co., UNUM Provident, Washington National Insurance Company (CONSECO), Western & Southern Life and Workmen’s Benefit.

ORDERED that service of a copy of this Order, together with the underlying papers upon which it was granted, be made through the Electronic Case Filing ("ECF") system upon the Judgment Debtors' counsel who have appeared in this action;

ORDERED that any papers in opposition to Plaintiff's motion shall be served upon counsel for Universitas through the ECF system on or before OCT 19, 2017, and that any reply papers shall be served through the ECF system on or before

OCT 23, 2017 by 5:00 P.M.

Dated: New York, New York
OCT 13, 2017


United States District Judge

Judge Lorna Schofield Id, Part 1

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